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Tr.C.M.P.No.776 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

Tr.C.M.P.No.776 of 2022

and

C.M.P.No.13330 of 2022

G.Shivaranjani

... Petitioner

VS.

S.Bino Raj

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, praying to withdraw transfer O.P.No.2751 of 2022 pending on the file of the II Additional Family Court, Chennai to the file of Family Court, Krishnagiri for trying along with M.C.No.31 of 2022 on the file of Family Court, Krishnagiri.

For Petitioner : Mr.N.Sivaprakash

For Respondent : Mr.G.Muthukumar

ORDER

The petitioner/wife filed this transfer petition seeking transfer of the petition for divorce filed by the respondent/husband in O.P.No.2751 of 2022 pending on the file of the II Additional Family Court, Chennai to the file of the Family Court, Krishnagiri.

2. Heard the arguments of the learned counsel for the petitioner and the



Tr.C.M.P.No.776 of 2022

learned counsel for the respondent.

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3. According to the petitioner/wife, she is residing at Krishnagiri along with her parents and she already instituted a case for maintenance in M.C.No.31 of 2022 on the file of the Family Court, Krishnagiri. The respondent/husband as a counter blast filed the petition for divorce before the II Additional Family Court, Chennai. According to the petitioner/wife, she finds it very difficult to undertake travel to Chennai for attending each and every court proceedings in O.P.No.2751 of 2022 filed by her husband. Hence, she filed this transfer petition with aforesaid prayer.

4. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife.

5. In the case on hand, the petitioner/wife is residing at Krishnagiri and she already instituted a maintenance case in M.C.No.31 of 2022 on the file of the Family Court, Krishnagiri. Therefore, taking into consideration of the convenience of the wife, this Court is inclined to order the above transfer petition as prayed for.



Tr.C.M.P.No.776 of 2022

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the petition for divorce filed by the respondent/husband in O.P.No.2751 of 2022 pending on the file of the II Additional Family Court, Chennai is withdrawn and transferred to the file of Family Court, Krishnagiri. The transferee Court is directed to take up both petitions in O.P.No.2751 of 2022 and M.C.No.31 of 2022 simultaneously. No costs. Consequently, the connected civil miscellaneous petition is closed.

23.09.2022

Index : Yes/No
Speaking Order : Yes/No
dm

To

- 1.The II Additional Family Court,
Chennai.
- 2.The Family Court, Krishnagiri.



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Tr.C.M.P.No.776 of 2022

S.SOUNTHAR, J.

dm

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